

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Herman Rigby, #116041,

Plaintiff,

vs.

Jon Ozmint, South Carolina Dept. of
Correction Director, Cassandra Williams,
Summerville Police Detective, and J.B.
Garrison, Dorchester County Detective,

Defendants.

C.A. No.: 9:08-03421-RBH

ORDER

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Bristow Marchant, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

No objections were filed to the Report and Recommendation. The plaintiff did send a letter to the Clerk of Court on March 30, 2009¹ in which he contended that “extra money” was taken from his prison account. He also stated that “I would drop my lawsuit against SCDC and others due to financial and personal reasons.” The Clerk of Court has returned two checks from Plaintiff’s account to SCDC in the amounts of \$190.73 and \$35.00 and has issued a check to the plaintiff’s prison account for \$20.00. Plaintiff has made no further filings with the Court. Therefore, it appears that the financial questions of the plaintiff have been resolved and that the plaintiff wishes to dismiss his lawsuit. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Marchant’s Report and Recommendation and incorporates it herein. It is therefore

ORDERED that this action is **DISMISSED** with prejudice for lack of prosecution pursuant to Federal Rules of Civil Procedure 41(b).

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
May 12, 2009

¹ The envelope which contained the letter included a return address of Lee Correctional Institution. Therefore, the Clerk updated the plaintiff’s address and re-mailed the Report to Lee Correctional on April 9, 2009.